

COURT OF CRIMINAL APPEALS
STATE OF ALABAMA

H. W. "BUCKY" McMILLAN
Presiding Judge
RUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judge

Lane W. Mann
Clerk
Sonja McKnight
Assistant Clerk
(334) 242-4590
Fax (334) 242-4689

EXHIBIT # 1

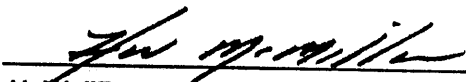
CR-04-1080

Jeffery Baker v. State of Alabama (Appeal from Pike Circuit Court: CC03-248)

ORDER

Appellant's motion to supplement and/or amend record on appeal is DENIED.

Done this the 22nd day of June, 2005.


H. W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Hon. Larry K. Anderson, Circuit Judge
Hon. Brenda M. Peacock, Circuit Clerk
Douglas C. Freeman, Attorney
Jeffery Baker, Pro Se
Office of Attorney General

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JUN 15 2005

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Jeffery Baker v. State of Alabama (Appeal from Pike Circuit Court: CC03-248)

ORDER

Counsel for the appellant in the above referenced cause has filed a no-merit brief and a motion to withdraw as required by *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Counsel has also advised this Court that the appellant was served a copy of the no-merit brief and furnished with the appellant's copy of the record on appeal.

Upon consideration of the above, the Court of Criminal Appeals hereby **ORDERS** as follows:

The appellant shall have until July 6th 2005, to serve this Court with a list of each and every point or issue the appellant wants considered in this appeal.

If, by July 6th 2005, the appellant fails to identify any additional issues or points to be considered on appeal, the Court will then determine what action should be taken pursuant to *Anders v. State of California*, and will notify the appellee when and if a brief will be required.

Done this the 15th day of June, 2005.


H.W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Douglas C. Freeman, Attorney
Jeffery Baker, Pro Se
Office of Attorney General

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CR-04-1080

Jeffery Baker v. State of Alabama (Appeal from Pike Circuit Court: CC03-248)

ORDER

Appellant's pro se motion to appoint a new attorney is DENIED. Appellant is given a 14-day extension to file his pro se issues on appeal. Issues now due to be filed with this Court on or before July 20, 2005.

Done this the 20th day of June, 2005.


H. W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Douglas C. Freeman, Attorney
Jeffery Baker, Pro Se ✓
Office of Attorney General

**IN THE COURT OF CRIMINAL APPEALS,
STATE OF ALABAMA**

**JEFFERY BAKER JR,
Appellant**

vs.

**STATE OF ALABAMA
Appellee.**

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Case No. CR-04-1080

MOTION TO SUPPLEMENT AND/OR AMEND THE RECORD

Comes the Appellant, Jeffery Baker Jr, Pro-Se, unlearned in law, respectfully, and in good faith and moves the Court to order Appellant's Record on Appeal supplemented and/or amended. Appellant shows support for motion as follows:

1. Appointed Counsel for the above-named appellant filed his no-merit brief and a motion to withdraw pursuant to Ander v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) on or about June 14, 2005.
2. The Court of Criminal Appeals ordered Appellant to serve the court with a list of each and every point or issue appellant wants considered in the above-entitled appeal.
3. On or about April 4, 2005, the appellant, Pro-Se, submitted the Reporter's Transcript Order Criminal (form ARAP-1C) as required by and in accordance with the Alabama Rules of Procedure, Rule(s) _____.
4. The above Reporter's Transcript Order Criminal (form ARAP-1C) designation of proceedings to be transcribed includes arguments of counsel. Said Reporter's Transcript Order Criminal (form ARAP-1C) is attached hereto as exhibit #1.

(See also Rule 10 (g) for supplementing the record when reporters transcript is unavailable).

5. The Reporter's Record omits portions of the record on appeal that were ordered by appellant in accordance with the appropriate Rule of Appellate procedure.

6. The Court has ordered Appellant to serve this court with a list of each and every point or issue the appellant wants considered in this appeal by July 6, 2005.

7. Inappropriate argument of counsel(s) prejudiced appellant's jury and the appellant wants this issue and/or point considered by the Court of Criminal Appeals.

8. Additionally, Appellant objected to the dismissal of key witnesses by the court appointed attorney, Mr. J. Carlton Taylor (see R. page 53); the colloquy of the witness, court appointed counsel, prosecution and the trial judge is relevant to appellant's issues otherwise silent from the record for review and pursuant to appellant's Sixth Amendment rights.

9. This Court has said, "It is bound by the record on appeal and cannot look beyond the records submitted" (cases omitted).

10. This Court has ordered appellant's motions stricken from the record; reasoning, "Appellant is represented by appointed counsel." The Court appointed Counsel, was served, by letter, Dated April 16, 2005, cautioning, "The Reporter's Transcript Order form was submitted April 2, 2005, Pro-se" (attached hereto is the letter dated April 16, 2005 to Mr. Douglas Freeman, appointed counsel for Appellant; exhibit 2). Appointed Counsel, under the appointment of this Honorable Court, had the duty to insure appellant's records on appeal are complete and accurate prior to submitting a no-merit brief on behalf of Appellant.

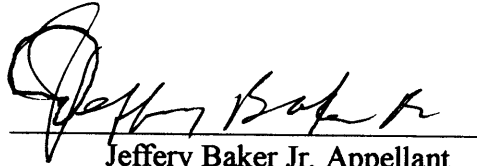
11. Appellant can not authenticate, according to the record provided by appointed counsel, that a valid Affidavit of Substantial Hardship is approved by the various court having authority. Therefore, the various courts are without jurisdiction and/or authority to appoint indigent counsel on appellant's behalf.

12. The no-merit brief of appointed counsel is based on an incomplete and inaccurate record by which appellant is required to raise appellate issues by himself and with the assistance of the unduly court appointed indigent appellate counsel.

Wherefore, appellant respectfully moves the court to order the record on appeal supplemented and/or amended to include those portions omitted above. The Appellant will be unduly prejudiced by the errors committed by the appointed appellate counsel and where he is required to raise issues and/or points with incomplete and inaccurate records.

Respectfully submitted in good faith.

Done this the 20th day of June 2005.

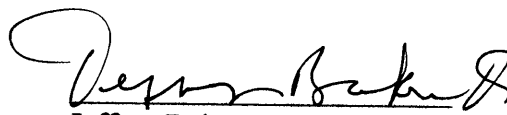

Jeffery Baker Jr, Appellant
1353 County Road 3348
Brundidge, Alabama 36010
334-735-3548

CERTIFICATE OF SERVICE

I hereby certify that I have, this date, June 21, 2005, served the Original of the forgoing document upon the Clerk of the Court of Criminal Appeal, Mr. Lane W. Mann and copies of the same motion on the following parties to the appeal by placing same in the United States Mail, postage prepaid, and properly addressed as follows:

Mr. Troy King, Attorney General
11 South Union Street
Montgomery, Alabama 36130

Mr. Douglas Freeman
5281 Vaughn Road
Montgomery, Alabama 36104


Jeffery Baker Jr, Appellant